

REMARKS

Status of the Claims

Claims 1, 3-6, 12, and 14-31 are pending in the present application. Claims 2, 7-11, and 13 were previously canceled. Claims 3, 6, 12, 14-16 and 24-31 are withdrawn from consideration as directed to a non-elected invention. Applicants respectfully request entry of the November 23, 2009, amendment and the instant amendment. In view of the below remarks, reconsideration is respectfully requested.

Statement of the Interview

Applicants and Applicants' representative thank the Examiner for extending the courtesy of an interview on January 12, 2010. Applicants' representative contacted the Examiner to discuss the Advisory Action, particularly, the comments regarding the sequence identifiers and the rejection of claims 18 and 20 under 35 U.S.C. § 112, second paragraph.

During the interview, Applicants' representative noted that claims 18 and 20 were rejected under 35 U.S.C. §112, second paragraph, in the Final Office Action for specifying "amino acids 1-409 of SEQ ID NO: 1." In particular, the Final Office Action indicated that this phrase is vague and indefinite since SEQ ID NO: 1 is a nucleotide sequence. SEQ ID NO: 1 includes two polypeptide sequences as well as a nucleotide sequence. However, the Examiner had previously noted in the interview of November 18, 2009, that the amino acids should be included under separate sequence identifiers.

During the instant interview, Applicants' representative noted that a Substitute Sequence Listing was submitted on November 23, 2009, to include the polypeptide sequences under separate sequence identifiers. Applicants further amended claims 18 and 20 in the November 23, 2009, response to specify "SEQ ID NO: 2" in lieu of "amino acids 1-409 of SEQ ID NO: 1" for consistency with the sequence identifiers in the Substitute Sequence Listing. Applicants also amended claims 1, 22, and 24-31 to specify the sequences identifiers corresponding to those in the Substitute Sequence Listing. However, the December 18, 2009, Advisory Action indicated that amended claims 18 and 20 would remain rejected under 35 U.S.C. § 112, second paragraph, since claim 1 did not provide proper antecedent basis for SEQ ID NO: 2. The Advisory Action

further indicated that SEQ ID NOS: 4 and 7, as specified in amended claim 1 were new sequences.

During the interview, Applicants' representative explained that no new sequences were introduced into the claims and noted how the sequence identifiers in the amended claims and in the Substitute Sequence Listing submitted on November 23, 2009 correspond to the sequence identifiers in the previously pending claims and the Original Sequence Listing. In addition, Applicants' representative suggested an amendment to claim 1 in response to the allegation regarding improper antecedent basis in amended claims 18 and 20.

The Examiner stated that, in view of the clarification of the sequence identifiers, claims 18 and 20 would not be rejected under 35 U.S.C. § 112, second paragraph, for recitation of "SEQ ID NO: 2", and an amendment to claim 1 is not necessary to comply with antecedent basis requirements. The Examiner further indicated, however, that the amendment submitted on November 23, 2009, includes a new issue since amino acids 1-409 of SEQ ID NO: 1 were not previously searched since the Original Sequence Listing was not in proper format.

For the Examiner's convenience, Applicants' representative stated that a summary of the changes in the sequence identifiers described in the November 23, 2009, amendment would be provided in the next response. The summary is provided herein below.

Correspondence of Sequence Identifiers in the Substitute Sequence Listing and the Original Sequence Listing

Summarized below are the sequence identifiers, as described in the Original Sequence Listing and the previous pending claims and their correspondence to the sequence identifiers described in the Substitute Sequence Listing and the amended claims submitted on November 23, 2009. As noted in the response filed November 23, 2009, and the January 12, 2010, interview, the Substitute Sequence Listing was submitted to correct formatting errors. Accordingly, no new matter is added by entry of the Substitute Sequence Listing.

Correspondence of Sequence Identifiers in the Original Sequence and the Substitute Sequence Listing

Original Sequence Listing

SEQ ID NO: 1
SEQ ID NO: 1, polypeptide, PsmA
SEQ ID NO: 1, polypeptide, PsmB
SEQ ID NO: 2
SEQ ID NO: 2, polypeptide, BpmA
SEQ ID NO: 2, polypeptide, BpmB
SEQ ID NO: 3
SEQ ID NO: 3, polypeptide, TpmA
SEQ ID NO: 3, polypeptide TpmB
SEQ ID NOS: 4-19 (primers)

Substitute Sequence Listing

SEQ ID NO: 1
SEQ ID NO: 2 (PsmA)
SEQ ID NO: 3, (PsmB)
SEQ ID NO: 4
SEQ ID NO: 5, (BpmA)
SEQ ID NO: 6, (BpmB)
SEQ ID NO: 7
SEQ ID NO: 8, (TpmA)
SEQ ID NO: 9, (TpmB)
SEQ ID NOS: 10-25

Correspondence of Sequence Identifiers in the previously pending claims and the claims submitted on November 23, 2009

Previously Pending claims

Claim 1(a), 22(a), 24, 26, 28, 30

SEQ ID NO: 2

SEQ ID NO: 3

Claims 18, 20

Amino Acids 1-409 of SEQ ID NO: 1

Claims 25, 27

Amino Acids 1-395 of SEQ ID NO: 2

Claims 29, 31

Amino Acids 1-404 of SEQ ID NO: 3

Amended Claims (Nov. 23, 2009)

SEQ ID NO: 4

SEQ ID NO: 7

SEQ ID NO: 2

SEQ ID NO: 5

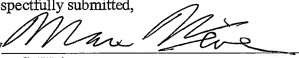
SEQ ID NO: 8

In view of the foregoing, Applicants believe the instant application is in condition for allowance. If there are any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact L. Parker, Reg. No. 46,046, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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